

SCANNED

DATE: 06/16/04 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BY: SKY

RECEIVED IN OFFICE OF
ROBERT B. COLLINGS
U.S. MAGISTRATE JUDGE

JUN 15 2004

UNITED STATES OF AMERICA)

v.)

XINGYU JIANG)

CRIMINAL NO. 04-10128-MLW

UNITED STATES DISTRICT COURT
BOSTON, MASSACHUSETTS

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States and counsel for Defendant Xingyu Jiang file this Joint Memorandum Pursuant to Local Rule 116.5(A) as follows:

1) Counsel for Defendant Jiang requests an additional two weeks, up to June 28, 2004, to make any discovery requests pursuant to Local Rule 116.3. The government does not object to this request.

2) The defendant requests expert discovery under Fed.R.Crim.P. 16(a)(1)(E). At this time, the government does not anticipate expert testimony but should this change, agrees to provide such discovery 30 days before trial. The defense agrees to produce expert discovery 14 days prior to trial.

3) As noted in paragraph 1, counsel for defendant has requested additional time to file a discovery letter. Thus, it is unknown at this time whether the parties will be providing additional discovery as a result of future receipt of information, documents, or reports of examinations or tests.

4) The parties request that the setting of a motions date be deferred pending completion of discovery.

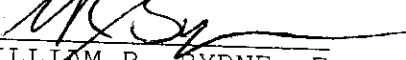
5) The parties agree that pursuant to Local Rule 112.2, the period of May 3, 2004, through June 1, 2004, should be excluded under the Speedy Trial Act. The parties further agree that the period of June 2, 2004, through the date of the interim status conference requested in paragraph 7 also should be excluded pursuant to 18 U.S.C. § 3161(h)(8)(A) in that the ends of justice outweigh the interest of the public and defendant in a speedy trial. The defendant has asked for additional time to make discovery requests and the delay is necessary to complete discovery.


6) The parties believe that it is likely this case will be resolved by plea and that no trial will be necessary. If the case does go to trial, the parties estimate it would last about three days.

7) The parties request that another status conference be scheduled in mid-July. The parties expect that discovery will be complete at that time, or that the issues will be identified, and to know whether a plea is likely.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: 
WILLIAM R. BYRNE, Esq.
Counsel for Defendant
875 Massachusetts Avenue
Suite 31
Cambridge, MA 02139
617-864-8055

By: 
SANDRA S. BOWER
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
617-748-3184